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June 29, 1943

The Honorable,

The Secretary of the Interior.

My dear Mr. Secretary:

I have your letter of June 23, 1943, as follows:

"A few weeks ago I went privately to New York in an effort to be helpful in bringing the operators and mine workers together on an agreement. I had to go to a hotel there that was new to me and I had to hold private conferences in the hotel with representatives of the operators. Necessarily this meant that I had to have a suite. Also, necessarily, this cost me more than \$6 a day.

"Of course I have become accustomed to digging deep into my own pocket to pay the difference between the government's travel allowance and my actual costs when I am away on official business, but the case that I have cited seems to be an unusual one, in that, in effect, I necessarily had to pay for what amounted to office space for the short time that I was in New York."

Reimbursement of traveling expenses to civilian officers and employees of the Government while traveling on official business is controlled by statute and the Standardized Government Travel Regulations promulgated by the President. In fixing the amount that may be reimbursed neither the Congress nor the President has deemed it necessary or advisable to make any distinction between officers and employees based upon their rank or upon the importance of the duties to be performed. Subsistence, that is, "lodging, meals, and other necessary expenses incidental to the personal sustenance or comfort of the traveler" (quoting from section 2 of the act of June 3, 1926, 44 Stat. 688, defining the term, "Subsistence") is fixed by law on a commutation basis at not to exceed the rate of \$6 per diem for

X-35306

- 2 -

travel within the limits of the continental United States. In that connection, see section 3 of the Subsistence Expense Act of 1926, as amended by the act of January 30, 1942, 56 Stat. 39, providing:

"Civilian officers and employees of the departments and establishments, while traveling on official business and away from their designated posts of duty, shall be allowed, in lieu of their actual expenses for subsistence and all fees or tips to porters and stewards, a per diem allowance to be prescribed by the heads of the departments and establishments concerned at a rate not to exceed \$6 within the limits of the continental United States, and not to exceed an average of \$7 beyond the limits of the continental United States."

See, also, paragraphs 44-51 of the Standardized Government Travel Regulations.

You will understand, of course, that there is no authority in this office to make any exceptions for any reason in the consideration of claims for items of subsistence that properly are chargeable against the commutation allowance of \$6 per diem provided by law and regulations for subsistence.

With respect to the use of hotel space for conference purposes your attention is invited to paragraph 76 of the Standardized Government Travel Regulations, providing:

"Hire of room for official use.--When necessary to engage a room at a hotel or other place in order to transact official business, a separate charge therefor will be allowed when authorized or approved by the administrative official. (See par. 80 (i).)"

Paragraph 80 (i) of the regulations cited in the above-quoted regulations requires a receipt (when practicable to obtain) for "Rental of rooms for official business."

B-35306

- 3 -

The amount paid for the hire of a room for official use under authority of the quoted regulation is not required to be charged against the traveler's subsistence allowance of \$6 per diem, but is an additional item of expense that may be reimbursed the traveler.

Hence, if the expense of the trip to which you refer otherwise is a proper charge against appropriated funds, you are entitled to claim reimbursement for the cost of necessary space used for conference purposes upon the basis of your own certificate, in addition to your claim for per diem in lieu of subsistence at the rate of \$6. It would appear equitable and proper that the claim for hire of office space be the charge made for the suite you occupied, less such amount as would have been charged you for a single room at the same hotel for lodging purposes.

I trust the foregoing will be found helpful in the presentation of your expense account for the trip.

Respectfully,

/s/ Lindsey C. Warren  
Comptroller General  
of the United States.

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